

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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1:10 MJ 130A

UNITED STATES OF AMERICA,

v.

**SEALING ORDER**

Criminal No. **8:10-M-220**

BENJAMIN LEMAIRE,

Defendant.

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Now, on motion of the United States of America by its attorney, Richard S. Hartunian, United States Attorney for the Northern District of New York, Daniel C. Gardner, Assistant United States Attorney, of counsel, it is hereby

**ORDERED**, that the attached Complaint and Arrest Warrant be sealed until further order of this Court, and it is further

**ORDERED** that this Sealing Order is sealed along with the Complaint and Arrest Warrant.

Dated: April 29, 2010  
Albany, New York

  
\_\_\_\_\_  
HON. RANDOLPH F. TREECE  
U.S. MAGISTRATE JUDGE

\* \* \*

The provision of the Order directing that certain documents be sealed is hereby vacated and said documents shall be unsealed.

Dated:

\_\_\_\_\_  
HON. RANDOLPH F. TREECE  
U.S. MAGISTRATE JUDGE

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the  
Northern District of New York

United States of America  
v.  
BENJAMIN LEMAIRE

Case No. 8:10-M-220

*Defendant*

ARREST WARRANT

To: Any authorized law enforcement officer

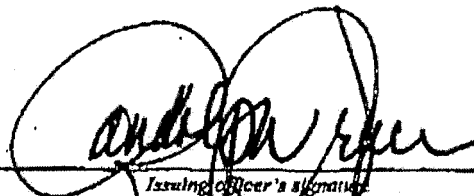
**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) BENJAMIN LEMAIRE  
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint  
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:  
Title 21 USC 846 and 31 USC 5324

Date: April 29, 2010

City and state: Albany, New York



*Issuing officer's signature*

Randolph F. Trone, U.S. Magistrate Judge  
*Printed name and title*

**Return**

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

*Arresting officer's signature*

*Printed name and title*

A0 91 (Rev. 8/01) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

APR 29 2010

AT NEW YORK O'CLOCK

Lawrence K. Baerman, Clerk - Painesburgh

UNITED STATES DISTRICT  
COURT

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Benjamin Lemaire  
169 Sandringham Ave  
Providence RI

Case Number: 8:10-M-220

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief On or about between 1/107 to 4/29/10 in Clinton County, in  
the Northern District of New York defendant(s) did,

(Track Statutory Language of Offense)

The defendant knowingly and intentionally combined, conspired, confederated and agreed with others to poses with intent to distribute and distribute more than 100 kilograms of marijuana, a Schedule I narcotic and the defendant, for the purpose of evading the reporting requirements of title 31 USC section 5313(a) did knowingly structure or assist or attempt to structure or assist in structuring any transaction with one or more domestic financial institutions.

in violation of Title 21 United States Code, Section(s) 846 and 31USC 5324I further state that I am a(n) DEA Special Agent and that this complaint is based on the

Official Title

following facts:  
See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

Yes ☒ No ☐

Signature of Complainant

Kevin Kadish

Printed Name of Complainant

Sworn to before me and signed in my presence,

April 29, 2010  
Date

at

Albany, NY  
City and StateRandolph J. Treese, Federal Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK                    )  
COUNTY OF CLINTON                )     SS:  
CITY OF PLATTSBURGH               )

I, Kevin Kadish, being duly sworn, deposes and states:

1. I am a Special Agent (SA) of the United States Drug Enforcement Administration (DEA). I have been so employed since January 2005. I have been previously employed as a Police Officer with Colchester VT Police Department for 3 and one half years. I am currently assigned to the DEA, Resident Office (RO), Plattsburgh, New York. My duties include investigating violations of Title 18, Title 19, Title 21 and Title 31 of the United States Code. My duties include the investigation of drug related criminal activity, such as crimes involving trafficking and smuggling of controlled substances.
2. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 21, United States Code, Section 841 and Title 21, United States Code, Section 846.
3. I make this affidavit in support of a criminal complaint that the defendant knowingly and willfully combined, conspired, confederated and agreed with others to poses with intent to distribute and distribute more than 100 kilograms of

marijuana, a Schedule I narcotic and the defendant, for the purpose of evading the reporting requirements of title 31 USC section 5313(a) did knowingly structure or assist or attempt to structure or assist in structuring any transaction with one or more domestic financial institutions.

4. On March 26, 2010 a Cooperating Witness (CW1) stated that on several occasions between approximately 2007 and 2009, s/he transported large shipments of marijuana to Providence, Rhode Island from the Northern District of New York. CW1 indicated that each load of marijuana weighed between fifty and one hundred pounds. CW1 advised that the individual who would receive the marijuana in Rhode Island used the name "BRIAN." CW1 was shown a photographic lineup and identified the photo of Benjamin Lemaire (DOB 09-12-79) as the individual he knew as "Brian." CW1 has admitted to participating in a large scale drug trafficking organization in the Northern District of New York. CW1 was in charge of coordinating couriers to smuggle large quantities of marijuana from Canada into the United States.

5. On March 26, 2010, a Cooperating Witness (CW2) stated that he made multiple trips to the Providence, Rhode Island area, where s/he would pickup large amounts of US Currency from and individual named "BRIAN" between approximately 2007 and February 2010. CW2 advised that the currency was proceeds from marijuana sales and the amount of currency was consistent with large amounts of marijuana. During one of the transaction, BRIAN

showed CW2 a hidden compartment within the basement of a Brian's residence located on Sandringham Lane in Providence, RI. CW2 advised that the hidden compartment was located behind a mirror in the bar of the basement. CW2 was shown a photographic lineup and identified the photo of Benjamin Lemaire (DOB 09-12-79) as the individual he knew as "Brian." CW2 has admitted to participating in a large scale drug trafficking organization in the Northern District of New York. CW2 was in charge of coordinating couriers to smuggle large quantities of marijuana from Canada into the United States.

6. On April 15, 2010 a Cooperating Witness (CW3) stated that he received multi-pound shipments of marijuana from an individual known as "BMAN" aka "BEN" for the last year. CW3 received multiple pounds of marijuana from BEN in March 2010. CW3 was shown a photo of Benjamin LEMAIRE and identified LEMAIRE (DOB 09-12-79) as BMAN aka BEN, the individual who received at least one hundred pounds of marijuana from CW3 within the last year. CW3 has been charged with conspiracy to possess with the intent to distribute marijuana and cocaine.
7. On April 22, 2010 a Cooperating Witness (CW4) stated that in 2009 s/he traveled to the Providence, Rhode Island area, where s/he met with an individual who was provided with one hundred pound shipments of marijuana on multiple occasions. CW4 was shown a photo lineup and identified the

individual who received these one hundred pound shipments of marijuana.

The individual identified by CW4 was Benjamin Lemaire (DOB 09-12-79).

CW4 has admitted to participating in a large scale drug trafficking organization in the Northern District of New York. CW4 was in charge of coordinating couriers to smuggle large quantities of marijuana from Canada into the United States.

8. On September 15, 2009, a cash deposit in the amount of \$5,700 was deposited to a bank account in the name of Benjamin Lemaire. The cash deposit consisted of mostly twenty dollar bills, and, according to a bank employee, smelled like marijuana. Based on the training and experience of the affiant, deposits of large sums of money in small denominations are consistent with drug trafficking.
9. According to bank records received from Citizens Bank, Benjamin Lemaire, owns a checking with Citizens Bank. During the period between March 2009 and March 2010, Lemaire's account recorded the following transactions:
  - 1) 6/01/09 check deposit cash 3,000
  - 2) 3/11/09 deposit cash 6,2009
  - 3) 3/13/09 deposit cash 3,000
  - 4) 3/18/09 check deposit cash 4,750
  - 5) 3/24/09 deposit cash 2,700
  - 6) 3/26/09 deposit cash 2,750
  - 7) 3/27/09 deposit cash 3,850
  - 8) 4/01/09 deposit cash 1,200
  - 9) 4/02/09 deposit cash 4,700

10)4/03/09 deposit cash 2,000  
11)4/07/09 deposit cash 1,400  
12)5/05/09 deposit cash 1,000  
13)5/18/09 deposit cash 2,800  
14)5/29/09 cash deposit 3,000  
15)5/31/09 cash deposit 7,000  
16)8/04/09 cash deposit 5,000  
17)6/15/09 cash deposit 1,600  
18)6/25/09 cash deposit 7,000  
19)7/06/09 cash deposit 2,000  
20)7/10/09 cash deposit 2,000  
21)7/17/09 cash deposit 800.00  
22)7/25/09 cash deposit 7,500  
23)8/04/09 cash deposit 5,000  
24)8/04/09 cash deposit 400.00  
25)8/05/09 cash deposit 7,500  
26)8/11/09 cash deposit 7,500  
27)8/12/09 cash deposit 7,000  
28)8/13/09 cash deposit 6,000  
29)8/19/09 cash deposit 5,400  
30)8/19/09 cash deposit 1,000  
31)8/28/09 cash deposit 417.00  
32)9/01/09 cash deposit 200.00  
33)9/01/09 cash deposit 330.00  
34)9/15/09 cash deposit 5,700  
35)10/14/09 cash deposit 2,000  
36)10/19/09 cash deposit 5,000  
37)10/20/09 cash deposit 6,980  
38)11/06/09 cash deposit 1,960  
39)11/25/09 cash deposit 5,000  
40)11/27/09 cash deposit 2,500  
41)12/11/09 cash deposit 1,480

Based on the foregoing, your affiant believes that Lemaire is structure cash deposits to avoid the currency reporting requirements contained in Title 31 United States Code, Section 5313. In the affiant's experience, drug traffickers often conduct cash transactions to avoid law enforcement detection. Drug



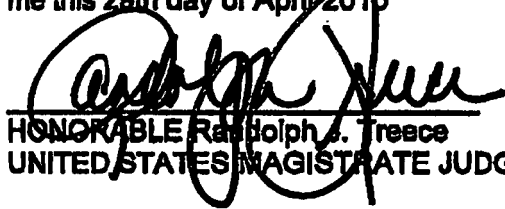
traffickers often store cash proceeds in hidden locations and use the banking system to launder cash proceeds.

10. During the course of this investigation, law enforcement officers have observed Benjamin Lemare at 169 Sandringham Avenue, Providence, Rhode Island 02908. According to records obtain from Citizens Bank, an account in the name of Benjamin Lemare listed his home residence as 169 Sandringham Avenue, Providence, Rhode Island 02908.



Kevin Kadish  
Special Agent  
Department of Justice  
Drug Enforcement Administration

Sworn to and subscribed to before  
me this 28th day of April 2010



HONORABLE Randolph J. Treace  
UNITED STATES MAGISTRATE JUDGE